

ORDINANCE 24-5882

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THE ZONE CLASSIFICATION for the South ½
and East ½ of Lot 27 & the South ½ and West ½ of Lot 28
of Burnstead Subdivision, BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-1628, BMCC,* provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

Section 2. DESCRIPTION. The South ½ and East ½ of Lot 27 of Burnstead Subdivision is presently zoned First Neighborhood (N1), and the South ½ and West ½ of Lot 28 of Burnstead Subdivision is presently zoned Mixed Residential 1 (NX1) and are shown on the official zoning map within these zone districts.

Section 3. ZONE DISTRICT AMENDMENT. The official zoning map is hereby amended and the zoning for The South ½ and East ½ of Lot 27 of Burnstead Subdivision , is hereby changed from First Neighborhood (N1), to Mixed Residential 2 (NX2), and the South ½ and West ½ of Lot 28 of Burnstead Subdivision is hereby changed from Mixed Residential 1 (NX1), to Mixed Residential 2 (NX2), and from the effective date of this ordinance, both lots shall be subject to all the rules and regulations pertaining to Mixed Residential 2 (NX2), as set out in the Billings, Montana City Code.

Section 4. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 22nd day of April, 2024.

PASSED, ADOPTED and APPROVED on second reading this 13th day of May, 2024.



CITY OF BILLINGS

BY: William A. Cole
William A. Cole, Mayor

Attest:

BY: Denise R. Bohlman
Denise R. Bohlman, City Clerk
Zone Change 1049 – 1911 and 1915 8th Ave N

City Council Regular

Date: 05/13/2024
Title: Zone Change 1049 - 1911 and 1915 8th Ave N - NX1 and N1 to NX2 - 2nd reading
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: No
Legal Review: Not Applicable
Project Number: PZX-24-00097

RECOMMENDATION

The Zoning Commission recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1049. The City Council approved the application on first reading on April 22, 2024. A second reading is required to approve a zone change.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a zone change for property in the North Park neighborhood near the intersection of 8th Ave N and N 19th St. The property located at 1911 8th Ave N is currently zoned NX1, and N1 for the vacant lot directly west at 1915 8th Ave N. The owner of 1911 8th Ave N recently purchased the vacant lot. A small home on the property was demolished. The property owner intends to build a similar apartment building that currently sits at 1911 8th Ave N on the vacant lot. The current building does not conform to the existing zoning of NX1. NX1 allows one to four unit dwellings. This is a six-unit building. The previous zoning of the property was Residential 6,000 (R60) until 2021. All property zoning was updated in 2021 as part of a complete re-write of the zoning code. The current code has a savings clause for all residential developments regardless of the zoning district where the buildings exist. The property could receive a re-build letter, but the owner prefers to have a zone that conforms to the development of the property and to re-zone the adjacent lot, so a similar development can occur to complement the existing apartment building.

The proposed zoning would allow an existing vacant property to be developed for new residential dwellings in a high demand area north of downtown and east of a thriving medical services center and college campus. The North Park area was one of the first residential neighborhoods in Billings, but there are many lots that are not fully developed or are vacant. Some of these conditions are due to demolition of older structures without a plan to replace or rebuild the property. Other properties have never been developed and were part of market gardens and orchards prior to annexation to the city in the 1960s. Small irrigation water companies still exist in North Park, such as the Burnstead Water Users Association.

8th Ave North is a local street with traffic speeds posted at 25 mph. The right-of-way width is more than typical for a local street at 90 feet, as compared to 60 feet for most local streets. The wider width of right-of-way is common in the first subdivisions in Billings, including North Park and the South Side neighborhoods. The pavement width of 50 feet between N 22nd St to N 18th St is 16 feet wider than a standard local street (34 ft). This encourages faster traffic speeds on 8th Ave N. N 18th St is a collector street but must stop at 8th Ave N. East of N 18th St, 8th Ave N goes through the uncontrolled intersection with N 17th St and then dead ends at N 16th St. West of N 22nd St, 8th Ave N again has the right of way while the north/south intersecting streets must stop until the intersection of 8th Ave N and N 27th St.

It is not likely that the current zoning would result in the development of a vacant parcel for single family dwellings (four would be allowed by N1 zoning). Two-family dwellings are also allowed with the same number of structures (four) but with two units in each building. This is essentially the same development density as the proposed NX2 zoning. The NX2 zone could allow four duplexes, but only one structure with more than two units based on the frontage requirements. NX2 allows one duplex for each 20 feet of street frontage, the same as the current N1 zoning. In the NX2, 50 feet of street frontage is required for each building with more than two dwelling units. This lot only has 80 feet of street frontage.

COUNCIL ACTION APP 11-0
ORD 24-5882

MAY 13 2024

TK

CITY CLERK

STAKEHOLDERS

The applicant conducted a pre-application neighborhood meeting on February 22, 2024. Three surrounding owners or interested property owners attended the meeting. There were no concerns expressed about the proposed zoning. The attendees talked in general about the neighborhood and issues of concern, including public safety and nuisance properties. The Planning staff posted the property, mailed notices to owners within 300 feet and placed a legal advertisement in the newspaper. The Planning staff also placed notice of the application on its Current Zoning Applications web page. No email or correspondence on the application was received prior to the writing of this staff report.

Zoning Commission hearing April 2, 2022

The Zoning Commission conducted a public hearing on the application and received the staff report recommending approval and testimony from the owners, Brian and Melissa Gentry. Testimony was also received from Grace Kim of 2004 9th Ave N who lives to the northeast of the subject properties. The owner, Brian Gentry stated he agreed with the staff recommendation and the existing building was well maintained by Melissa's father before he passed away. He stated they have continued to be meticulous with the property maintenance. He stated the intent of the zone change is to make certain the existing apartments can be re-built and to allow a similar building to go up on the adjacent vacant lot. He stated the apartments are hardly ever vacant and secure parking is important for the tenants. The vacant lot is about 12,000 square feet and both together are a little over a half-acre of land.

Grace Kim of 2004 9th Ave N, stated she lived to the northeast of the subject property. She stated her concern with the potential development on the north side of 9th Ave N across the street from her home. She stated this could be 20 or more units. (The combined lot area of the vacant land on 9th Ave N is 100,000 square feet) She stated the apartment building is grandfathered in and questioned the need for the zone change now. She also was concerned with the potential to add two more units to the existing apartment building. She stated if the adjacent lot also had 8 units, then 16 units would exist on a property of less than a half-acre. She stated she was not in favor of this kind of density. She stated there was no reason to build this dense on this property.

Mr. Gentry stated they do not intend to build two more units on the existing building and intend to develop a similar building on the vacant lot. He stated as owners it does not benefit them to build the maximum number of units on either parcel.

Chair Dan Brooks closed the public hearing. Member Dave Goss made a motion to recommend approval and adoption of the findings of the 10 review criteria. The motion was seconded by member Beau Mulvaney and approved on a 4-0 vote. Commission member Greg McCall was absent from the meeting.

City Council Public Hearing and 1st reading April 22, 2024

The City Council held a public hearing on April 22, 2024, and received the Zoning Commission's recommendation of approval and testimony from the applicant. Daniel Willems of 817 N 19th St testified against the proposed zoning as out of character with the surrounding neighborhood of modest single family homes. He stated the existing 6-unit apartment building is also out of place in the area. He stated general concerns about parking for any new residents. Mr. Willems stated the three people who attended the pre-app neighborhood meeting were all opposed. Michelle Harkins of 1213 Poly Drive testified in favor of the application. She stated she was familiar with Melissa and Brian Gentry, the owners, and their involvement with the North Park neighborhood. Brian Gentry stated the 3 people who attended the pre-app meeting were not opposed to the zone change but were in favor of the zoning, so a new development could be built that would provide more attainable housing in the neighborhood. He stated any new development would meet or exceed the city's development standards.

Mayor Cole closed the public hearing. Councilmember Gulick made a motion to approve the zoning change and adopt the findings of the review criteria. The motion was seconded by Councilmember Shaw seconded the motion and it was approved on a 10 to 1 vote. Councilmember Kennedy voted in opposition.

ALTERNATIVES

The City Council may:

- Approve and adopt the findings of the ten review criteria for Zone Change 1049 as recommended by the Zoning Commission and as adopted on first reading; or,
- Deny and adopt different findings of the ten review criteria for Zone Change 1049; or,
- Delay action on the zone change request for up to 30 days at the request of the applicant or on its own motion; or
- Refer the application back to the Zoning Commission for an additional public hearing based on 1) new information submitted that the applicant and public has not had an opportunity to examine; or 2) new information has been presented that was never submitted or considered by the Zoning Commission or staff; or
- Allow the applicant to withdraw the zone change request.

The applicant has not requested a delay or withdrawal of the application

FISCAL EFFECTS

Approval or denial of the proposed zone change will not have an effect on the Planning Division budget.

SUMMARY

Prior to making a decision the City Council shall consider the Zoning Commission's recommended findings of the review criteria as follows:

1) Is the new zoning designed in accordance with the Growth Policy and neighborhood plans?

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

- Infill development and development near existing city infrastructure may be the most cost-effective.
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill, and social interaction.
- Implementation of the Infill Policy is important to encourage the development of underutilized properties.

The North Park Neighborhood Plan (2008) identified this area as on the transition border between higher density residential uses and medium density residential areas. This location supports the proposed residential use to allow two-to-eight-unit structures. The existing 6-unit building at 1911 8th Ave N fits in well with the existing neighborhood design. The applicant is proposing a similar building for the adjacent vacant lot.

2) Is the new zoning designed to secure from fire and other dangers?

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The site will be developed in conformance with Section 27-300 (BMCC) as well as sections on landscaping, and off-street parking. New buildings would be required to meet city Building Codes and Engineering standards as well.

3) Whether the new zoning will promote public health, public safety and general welfare?

Similar to criteria two, public health and public safety will be promoted by both the existing zoning and the proposed zoning. The proposed NX2 will allow the existing 6-unit building to conform to the zoning and would allow the vacant property to be developed for similar and compatible uses. Developed land will increase property values. Vacant land tends to add unpredictability to the area.

4) Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

Transportation: The proposed zoning should not have any measurable impact on transportation.

8th Ave N is a well-traveled local street in North Park. There are two north/south collector streets -- N 18th St and N 22nd St. In addition, 8th Ave N has a direct connection to N 27th St, the major north/south arterial street through downtown that connects the rims and airport to Interstate 90. N 18th and N 22nd connect to 6th Ave N a major westbound arterial street that connects to N 27th St and then Grand Avenue.

Water and Sewer: The City provides water to the property and a new service line will be installed for any new development at 1915 8th Ave N. A service line was installed for the existing building at 1911 8th Ave N in 1994. The existing building is connected to a sewer. Any new building at 1915 8th Ave N would need new water and sewer connections.

Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. The school district provided no comment on the proposed zone change. Parks should not be negatively impacted by the proposed zoning. The property is directly across the street from North Park. Recent efforts to improve the safety of the park will encourage more local residents to be in the park.

Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns about the zone change.

5) Will the new zoning provide adequate light and air?

Similar to criteria 2 and 3, the proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. Any development of the property would follow the requirements of Section 27-300 (BMCC) and other city regulations for development.

6) Will the new zoning affect motorized and non-motorized transportation?

The existing property fronts 8th Ave N. There is no sidewalk along the street frontage of the vacant lot. This will be installed at the time of development. Street frontage landscaping will also be installed at the time this lot is developed.

7) Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth. The NX2 zoning is compatible with the surrounding property and development. To the south and east is NX3 zoning that supports apartments, while the surrounding development is a mixture of single family, two-family and multifamily development. The zoning does promote compatible urban growth.

8) Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use or uses. The proposed zoning will allow re-development of the vacant lot for residential use. This redevelopment will require the installation of new city infrastructure that will help sustain the neighborhood.

9) Will the new zoning conserve the value of buildings?

The new zoning should add stability to the value of the existing 6-unit apartment building at 1911 8th Ave N and add value to surrounding property when the vacant lot is re-developed. New development tends to increase surrounding property values.

10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning will allow the redevelopment of the vacant property and "right zone" of an existing apartment building. Infill on vacant parcels also contributes to neighborhood stability. The proposed zoning and use will encourage the most appropriate use of the parcel.

Attachments

Ordinance ZC 1049

Zoning Commission

Date: 04/22/2024
Title: Zone Change 1049 - 1911 and 1915 8th Ave N - NX1 and N1 to NX2 - Public Hearing and 1st reading
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes
Legal Review: Not Applicable
Project Number: PZX-24-00097

COUNCIL ACTION	Approved
10-0, Kennedy Opposed	
APR 22 2024	
OK	
CITY CLERK	

RECOMMENDATION

The Zoning Commission recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1049.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a zone change for property in the North Park neighborhood near the intersection of 8th Ave N and N 19th St.

The property located at 1911 8th Ave N is currently zoned NX1, and N1 for the vacant lot directly west at 1915 8th Ave N. The owner of 1911 8th Ave N recently purchased the vacant lot. A small home on the property was demolished. The property owner intends to build a similar apartment building that currently sits at 1911 8th Ave N on the vacant lot. The current building does not conform to the existing zoning of NX1. NX1 allows one to four unit dwellings. This is a six-unit building. The previous zoning of the property was Residential 6,000 (R60) until 2021. All property zoning was updated in 2021 as part of a complete re-write of the zoning code. The current code has a savings clause for all residential developments regardless of the zoning district where the buildings exist. The property could receive a re-build letter, but the owner prefers to have a zone that conforms to the development of the property and to re-zone the adjacent lot, so a similar development can occur to complement the existing apartment building.

The proposed zoning would allow an existing vacant property to be developed for new residential dwellings in a high demand area north of downtown and east of a thriving medical services center and college campus. The North Park area was one of the first residential neighborhoods in Billings, but there are many lots that are not fully developed or are vacant. Some of these conditions are due to demolition of older structures without a plan to replace or rebuild the property. Other properties have never been developed and were part of market gardens and orchards prior to annexation to the city in the 1960s. Small irrigation water companies still exist in North Park, such as the Burnstead Water Users Association.

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It is not likely that the current zoning would result in the development of a vacant parcel for single family dwellings (four would be allowed by N1 zoning). Two-family dwellings are also allowed with the same number of structures (four) but with two units in each building. This is essentially the same development density as the proposed NX2 zoning. The NX2 zone could allow four duplexes, but only one structure with more than two units based on the frontage requirements. NX2 allows one duplex for each 20 feet of street frontage, the same as the current N1 zoning. In the NX2, 50 feet of street frontage is required for each building with more than two dwelling units. This lot only has 80 feet of street frontage.

STAKEHOLDERS

The applicant conducted a pre-application neighborhood meeting on February 22, 2024. Three surrounding owners or

interested property owners attended the meeting. There were no concerns expressed about the proposed zoning. The attendees talked in general about the neighborhood and issues of concern, including public safety and nuisance properties. The Planning staff posted the property, mailed notices to owners within 300 feet and placed a legal advertisement in the newspaper. The Planning staff also placed notice of the application on its Current Zoning Applications web page. No email or correspondence on the application was received prior to the writing of this staff report.

Zoning Commission hearing April 2, 2022

The Zoning Commission conducted a public hearing on the application and received the staff report recommending approval and testimony from the owners, Brian and Melissa Gentry. Testimony was also received from Grace Kim of 2004 9th Ave N who lives to the northeast of the subject properties. The owner, Brian Gentry stated he agreed with the staff recommendation and the existing building was well maintained by Melissa's father before he passed away. He stated they have continued to be meticulous with the property maintenance. He stated the intent of the zone change is to make certain the existing apartments can be re-built and to allow a similar building to go up on the adjacent vacant lot. He stated the apartments are hardly ever vacant and secure parking is important for the tenants. The vacant lot is about 12,000 square feet and both together are a little over a half-acre of land.

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Chair Dan Brooks closed the public hearing. Member Dave Goss made a motion to recommend approval and adoption of the findings of the 10 review criteria. The motion was seconded by member Beau Mulvaney and approved on a 4-0 vote. Commission member Greg McCall was absent from the meeting.

ALTERNATIVES

The City Council may:

- Approve and adopt the findings of the ten review criteria for Zone Change 1049 as recommended by the Zoning Commission; or,
- Deny and adopt different findings of the ten review criteria for Zone Change 1049; or,
- Delay action on the zone change request for up to 30 days at the request of the applicant or on its own motion; or
- Refer the application back to the Zoning Commission for an additional public hearing based on 1) new information submitted that the applicant and public has not had an opportunity to examine; or 2) new information has been presented that was never submitted or considered by the Zoning Commission or staff; or
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FISCAL EFFECTS

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SUMMARY

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residential uses and medium density residential areas. This location supports the proposed residential use to allow two-to-eight-unit structures. The existing 6-unit building at 1911 8th Ave N fits in well with the existing neighborhood design. The applicant is proposing a similar building for the adjacent vacant lot.

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building. Infill on vacant parcels also contributes to neighborhood stability. The proposed zoning and use will encourage the most appropriate use of the parcel.

Attachments

Zoning Map and Photos ZC 1049
Chart of Zoning History ZC 1049
Pre app information for ZC 1049
Application and Letter for ZC 1049
Ordinance ZC 1049

City Zone Change 1049 – 1911 and 1915 8th Ave N – NX1 and N1 to NX2
Zoning Map and Site Photos



Subject Property



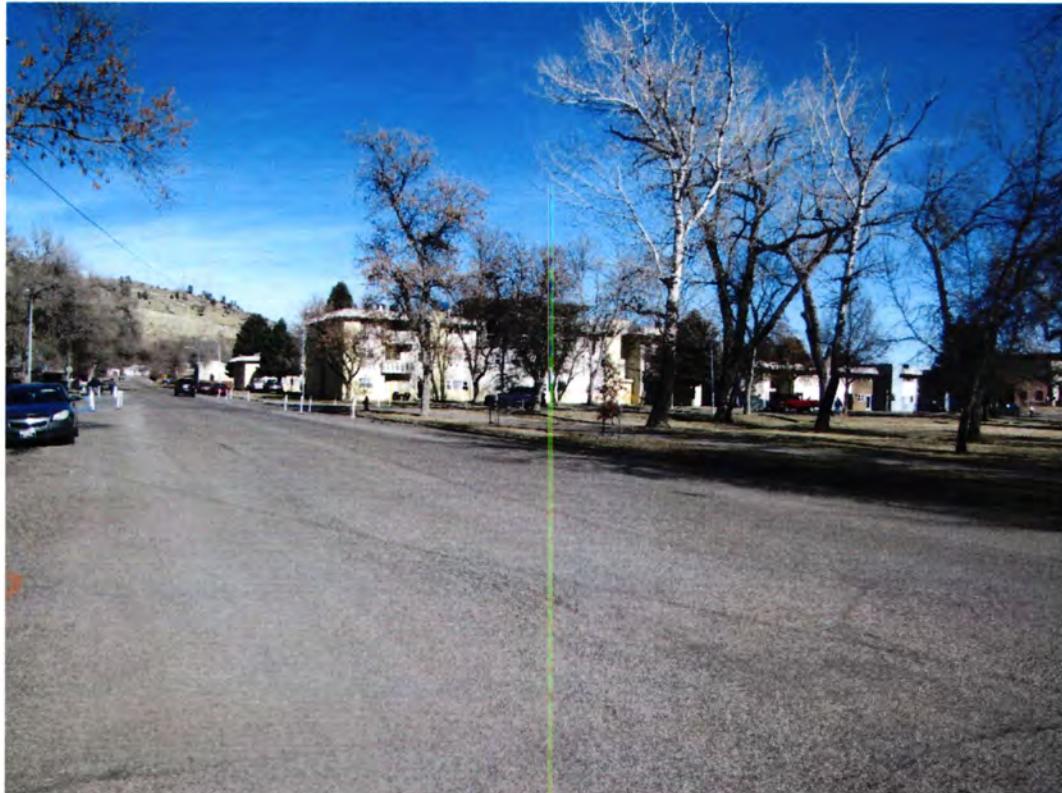


Subject Property





View south across 8th Ave N to North Park



View south and west across 8th Ave N



1911 8th Ave N – view north and east from 8th Ave N



1911 8th Ave N – view north from 8th Ave N

Zoning History for City ZC 1049 – 1911 and 1915 8th Ave N – NX1 and N1 to NX2

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
1911 and 1915 8 th Ave N	None		Zoning update in 2021 1911 = NX1 1915 = N1		Original zone for 1911 = R60 Original zone for 1915 = R70
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Burnstead Sub 2nd Filing	NA	2/25/2021	Map update	Y	Block 3 was R60 = NX2 Block 5 (1 ½ Lot 2) was R70 = NX2
Burnstead Sub 3 rd Filing	NA	2/25/2021	Map update	Y	All lots RMF-R = NX3
North Park Sub	NA	2/25/2021	Map update	Y	Most lots updated to NX1
EBURD	901	9/14/2009	Adoption of new zoning	Y	Several lots in North Park updated from R60 to EBRUD-RSV
Sunnyside 3 rd Filing Sub	NA	2/25/2021	Map update	Y	Block 15 all NX2
Foster's Add	NA	2/25/2021	Map update	Y	Block 22 and 23 was RMF = NX1

Zone Change 1911 & 1915 8th Ave. N

Neighborhood Meeting

Thursday Feb. 22, 2024

CITY ZONE CHANGE Pre-Application Statement of Owner(s) and Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. Present Zoning: 1915 8th Ave N. (varant lot) is N1

1911 8th Ave N (6plex) is NX1.

2. Written description of the Zone Change Plan including existing and proposed new zoning:

We are requesting both lots to be zoned NX2

3. Legal Description of Property: Burnstead subd S33, R2E, Lot 27, S2E2 of LT 27
Burnstead subd S33 T01N R2E Lot 28 S2W2 of LT 28

4. Neighborhood Task Force Area: Yes // No . If Yes, Name of Task Force

Yes - North Park. Chair is Thom Greenwood.

5. Roster of persons who attended the pre-application neighborhood meeting: please attach to on line application ✓

6. A brief synopsis of the meeting results including any written minutes or audio recording.
please attach to on line application ✓

7. The undersigned affirm the following:

1) The pre-application neighborhood meeting was held on the 22, day of Feb, 2024

2) The zone change application is based on materials presented at the meeting.

Owner (s):

1911 N. Point Apts LLC Telephone: 406 2409790

Address:

PO Box 81294 Billings MT 59108 Email: bsgreator@gmail.com

Agent (s):

Malissa Gentry Telephone: Same as above

Address: Email:

Complete this form and upload to your on-line Zone Change application

**Zone Change 1911 & 1915 8th Ave. N
Neighborhood Meeting Minutes Thursday Feb. 22, 2024**

The meeting started at 5: 30 PM. Melissa & Bryan Gentry, Marc R Osborn, Arthur Wilson and Thom Greenwood were present.

Bryan explained the current zoning and the proposed zoning for both lots. He explained how 1911 N Point Apts, LLC would like to build another 6 plex with secure garages on 1915 8th Ave. N.

Arthur spoke about his lot and how one day they might want to rebuild on it.

Thom said he was on the North Park Task force and there is a need for more affordable housing in Billings. He said it would be good for more citizens to use North Park.

There was small talk about the need for more help with the homelessness and drug addicted people in Billings.

Thom brought up the issue with blight and vacant houses in the North Park area. This can lead to squatters.

There was more talk about the upcoming changes to North Park with work out areas and the dog park.

Arthur expressed his concern with trap and drug houses in the area.

Everyone felt the tearing down of the trap house at 1915 8th Ave N was a good thing and that the zone change should go ahead.

The meeting was over at 5:52 pm.

Respectfully,

Melissa Ray Gentry 02/23/24

Melissa R Gentry

1911 N Point Apts, LLC

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1049 Project # PZX-24-00097

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the **City of Billings Zoning Regulations**.

Present Zoning 1915 8th Ave N is N1 1911 8th Ave N is NX1

Proposed Zoning: NX2

PARCEL TAX ID# 1911 = 005858 1915 = 005854 CITY ELECTION WARD 1

Legal Description of Property: Burnstead Subd, S33, T01N, R26E, LOT 27, S2 E2 of LT 27
" " " " " " LOT 28, S2 W2 of LT 28

Address or General Location (If unknown, contact City Engineering): 1911 #1915 8th Ave N.
59101

Size of Parcel (Area square feet or acres): 1911 = 12,750 sq ft 1915 = 12,000 sq ft

Present Land-Use: 1915 = vacant 1911 = 6plex + garage

Proposed Land-Use: NX2. So 1911 will be convert in zoning + 1915
can be built to closely mirror 1911.

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s) 1911 N. Point Apts LLC

(Record Owner)

PO Box 81294 Billings MT 59108

(Address)

Home 2409790

(Phone Number)

bsgrealtor@gmail.com

(Email)

Agent(s): Melissa Ganty

(Name)

Name as above

(Address)

(Phone Number)

(Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: Melissa Ganty Date: 2/26/2024

(Record Owner Digital Signature Allowed)

Zone Change Application
1911 & 1915 8th Ave. N
City of Billings

Planning & Community Services Department
2825 3rd Ave N 4th Floor
Billings, MT 59101

Hello Planning and Community Services,

We are asking to have the zoning changed at 1911 and 1915 8th Ave North here in Billings, MT. Currently 1911 8th Ave N has a 6 plex and is zoned NX1. 1915 8th Ave. N is a vacant lot and zoned N1. We are changing the zoning to NX2, which is a better fit for both parcels. Once the zoning is changed, we plan to build another 6 plex at 1915. This will closely mirror the structures we have at 1911.

The proposed zoning change for both 1911 and 1915 8th Ave. N is consistent with the adopted Growth Policy, Adopted Neighborhood North Park Plan and other city development policies. It fits the 10 zone change criteria as well.

1. Is the new zoning designed in accordance with the Growth Policy?

The proposed zoning does comply with the following goals of Growth Policy and area plans:

- Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in Neighborhood plans.
- Preserve neighborhood character and quality of life.

This zone change would allow these lots to be zoned as multifamily housing. One of the lots is already constructed for multifamily housing. The zoning is consistent and compatible with the area. The neighboring zoning allows for medium density residential development. There is a need for more affordable, healthy and safe housing and the NX2 zone is in line with this goal.

2. Is the new zoning designed to secure from fire and other dangers?

The subject property is currently served by the Billings Fire Department Station 1. The existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies.

Zone Change Application

1911 & 1915 8th Ave. N

City of Billings

3. Is the new zoning promoting public health, public safety and general welfare:

When we purchased 1915 8th Ave N, there was a derelict house on location. We had that removed. The current building at 1911 8th Ave. N has adequate security lighting, safety features and good citizen tenants. Trash, graffiti and loiters are immediately removed when they come onto the property. Once another 6 plex is constructed at 1915, it will promote public health, safety and improve the welfare in the area. Currently my tenants at 1911 ask vagrants not to loiter at 1915 and code enforcement has been called multiple times on campers parking illegally.

4. Is the new zoning facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

Development under the new zoning will increase traffic once constructed. The property is in the Billings Public Works water/sewer district. The development would likely increase the number of children attending local schools. The development would also pay more in taxes than the current vacant lot, which enhances funds for other public requirements.

5. Will the new zoning provide adequate light and air?

The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

6. Will the new zoning effect motorized and non-motorized transportation?

The development of the property for residential uses will add traffic volume to the surrounding street network. From my time on the county zoning board, I was informed that multifamily developments tend to generate fewer trips per unit at about 8 trips per day per unit. This area of the North Park neighborhood is walkable with McKinly school 1 mile away, Albertsons only ½ away and the park is across the street .

7. Will the new zoning promote compatible urban growth?

Yes, the neighborhood is a mix of single family homes to multifamily. The new zoning will promote that growth.

Zone Change Application

1911 & 1915 8th Ave. N

City of Billings

8. Will the new zoning consider the character of the district and the peculiar suitability for the property for particular uses?

The North Park Neighborhood plan calls out issues such as dilapidated housing, lack of affordable housing and lack of property maintenance. Once we purchased 1915 8th Ave. N, we tore down the derelict house there and plan to replace it with quality, affordable apartments. As with 1911 8th Ave. N, it will be clean, safe and aesthetically pleasing. This is within the character of the North Park Neighborhood.

9. Is the new zoning going to conserve the value of the buildings:

The new zoning will allow the development of a new residential use building on the vacant lot. It should not affect the value of the existing structures on 1911 8th Ave. N.

10. Will the new zoning encourage the most appropriate use of land throughout the city of Billings?

The new zoning, NX2, is what 1911 8th Ave. N is currently built to fit. 1915 8th Ave. N is almost a mirror image with lot size and shape. It will encourage affordable quality housing, which is a very appropriate use of land in the City of Billings.

Thank you for your consideration.

Bryan & Melissa Gentry

1911 N Point Apts, LLC

PO Box 81294

Billings, MT 59108

bsgrealtor@gmail.com

406.240.9790

ORDINANCE 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THE ZONE CLASSIFICATION for the South ½
and East ½ of Lot 27 & the South ½ and West ½ of Lot 28
of Burnstead Subdivision, BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. Title 76, Chapter 2, Part 3, MCA, and Sections 27-1628, BMCC, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

Section 2. DESCRIPTION. The South ½ and East ½ of Lot 27 of Burnstead Subdivision is presently zoned First Neighborhood (N1), and the South ½ and West ½ of Lot 28 of Burnstead Subdivision is presently zoned Mixed Residential 1 (NX1) and are shown on the official zoning map within these zone districts.

Section 3. ZONE DISTRICT AMENDMENT. The official zoning map is hereby amended and the zoning for The South ½ and East ½ of Lot 27 of Burnstead Subdivision, is hereby changed from First Neighborhood (N1), to Mixed Residential 2 (NX2), and the South ½ and West ½ of Lot 28 of Burnstead Subdivision is hereby changed from Mixed Residential 1 (NX1), to Mixed Residential 2 (NX2), and from the effective date of this ordinance, both lots shall be subject to all the rules and regulations pertaining to Mixed Residential 2 (NX2), as set out in the Billings, Montana City Code.

Section 4. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other

provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 22nd day of April, 2024.

PASSED, ADOPTED and APPROVED on second reading this 13th day of May, 2024.

CITY OF BILLINGS

BY: _____

William A. Cole, Mayor

Attest:

BY: _____

Denise R. Bohlman, City Clerk

Zone Change 1049 – 1911 and 1915 8th Ave N